

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

| | | | |
|----------------|--|-------------------|------------------|
| In re: | Kalman et al. | Confirmation No.: | 2945 |
| Appl. No.: | 10/586,382 | Group Art Unit: | 2421 |
| Int. Appl No.: | PCT/US05/01710 | Examiner: | Not yet assigned |
| I.A. Filed: | January 20, 2005 | | |
| For: | COMPOSITIONS AND USE OF TYROSINE KINASE INHIBITORS TO TREAT PATHOGENIC INFECTION | | |

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. ☒ Petition fee under 37 CFR 1.17(m) (~~\$1620~~ or **\$810** for small entity)
☒ Applicant claims Small entity status (37 CFR 1.27)
☐ Petition fee was paid during e-filing
☒ Please charge the petition fee to Deposit Account 16-0605
2. Reply and/or fee
 - A. The reply and/or fee to the above noted Office action in the form of a Petition for Extension of Time and a Continuation Application as follows:
☒ Continuation Application Serial No. 12/343,764 has been filed previously on December 24, 2008.
☒ Petition for Extension of Time (5 months) is enclosed herewith.
☒ Please charge the required fee to Deposit Account 16-0605.
 - B. The issue fee of \$
☐ has been paid previously on
☐ is enclosed herewith.
☐ issue fee was paid during e-filing
☐ Please charge the issue fee to Deposit Account 16-0605
3. Terminal disclaimer with disclaimer fee
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$70 for a small entity or \$140 for other than a small entity) disclaiming the required period of time
- ☐ is enclosed herewith.
- ☐ was paid during e-filing

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment of the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

Respectfully submitted,

/w. murray spruill/

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON **May 15, 2009**.